



CENTRAL DELTA WATER AGENCY

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Via email interimplan@deltacouncil.ca.gov

Delta Stewardship Council
650 Capitol Mall, Fifth Floor
Sacramento, CA 95814

Re: Comments - Second Draft Interim Plan

Background

The sportfishing industry (ocean, estuary and tributaries), natural gas storage, fuel transmission line and Pacific Flyway waterfowl habitat should be included.

Declining Water Supply Reliability and Water Quality

This section should include an explanation that the SWP and CVP promised and the law provides that project diversions be limited to water which is surplus to the present and future needs including environmental needs of the Delta and other areas of origin. That both projects are obligated to fully mitigate their adverse impacts and additionally provide salinity control for the Delta. The SWP has the obligation to preserve fish and wildlife pursuant to Water Code section 11912. The CVP has the fish and wildlife restoration obligations as per the CVPIA including the P.L. 102-575 section 3406(b)(1) obligation to ensure by the year 2002 natural production of anadromous fish in Central Valley rivers and streams will be sustainable, on a long-term basis, at levels not less than twice the average levels attained during the period of 1967-1991. "Anadromous fish" means those stocks of salmon (including steelhead), striped bass, sturgeon, and American shad." (Note: There is a separate program for the San Joaquin River between Friant Dam and the Mendota Pool.)

Water supply reliability has declined in major part due to the failure of the SWP to develop as planned by the year 2000 an additional yield of 5 million acre feet per year of surplus water from North Coast rivers to supplement Delta inflow so as to allow the delivery of the 4.25± million acre feet of SWP contract entitlement. The reliability of water supply has been further aggravated by the CVP addition of the San Luis Unit commitments in excess of 1 million acre

feet per year without adding carryover storage and without a San Joaquin Valley drain with an outlet for salts to reach the ocean. The resulting degradation of the San Joaquin River has additionally reduced supply due to the need for dilution and reduced opportunity for reuse and reclamation.

The SWP and CVP increased dependence on unregulated flow has resulted in violations of water quality standards, increased salinity intrusion into Suisun Bay and the western Delta and reduced flushing flows for the Bay-Delta Estuary.

A realistic determination of the true availability of surplus water in the Delta watershed is critical to proper planning and decision making. Present and future area of origin needs as well as climate change and other factors need to be recognized. The planning for the CVP and SWP did not contemplate the current reliance on unregulated flow within the Delta watershed and also underestimated the environmental water needs. Such planning reflects an average shortage of natural flow of 8 million acre feet per year over the 1927-34 dry cycle just to meet the needs within the Sacramento-San Joaquin River Watersheds without exports. It is uncertain whether and to what extent groundwater basins can be used to fill such shortage.

“Sea level rise” as it may affect the Delta needs to be independently and honestly examined. Historic in-Delta water elevation data needs to be examined to determine if in the last 100 years there is a measurable increase. The low end of the predictions of seven (7) inches in the next 100 years may in reality be zero (0). Delta levees can be raised. (Although in some locations requiring greater effort to provide even the high prediction of fifty-five (55) inches over the next 100 years.)

Sufficient outflow to maintain the “null zone” in Suisun Bay with variability to push the saline intrusion farther toward the west in wetter years is the variability which sustained historic fish populations. Greater salinity intrusion into the western Delta and interior Delta is not a replication of historic conditions. The salinity intrusion in the months of August or September of the most critically dry years was not frequent or regularly re-occurring. Prior to the 1980's “deal” to supply the Suisun Marsh duck clubs with water through the Montezuma Gates the Marsh was to a great extent interconnected with the Suisun Bay and adequate water quality was provided through the interconnection with outflow. The Montezuma Gate supply has resulted in less outflow to Suisun Bay to the detriment of fish.

Declining Ecosystem Health

SWP and CVP reliance on export of unregulated flow rather than release of stored water carried over from flood years and other periods of above normal precipitation has greatly contributed, if not, caused the present crises for ecosystem health.

Restoration focus on Pre-Gold Rush conditions in the estuary rather than Pre-SWP or Pre-CVP and Pre-SWP misses the mark. Ecosystem conditions were relatively good until the late 1960's. This appears to coincide with the commencement of SWP exports from the Delta.

Prior to reclamation, the Delta was swamp and overflowed land. The evaporation of fresh water from the swamp and overflowed land was far greater than what is consumed by the current farming of the Delta. The major rivers and sloughs in the central and western Delta were shallow in comparison to current conditions and there were hundreds of connecting sloughs running into and through the tule swamp. How and if such conditions were better for anadromous fish which would periodically get flushed into the swamp has not been demonstrated. The reclamation of the swamp and overflowed lands pursuant to the encouragement of the United States under the Arkansas Act of 1850 and the resulting obligation of the State to reclaim the Delta has resulted in the current system of levees, channels and dredger cuts. Much of the organic soil of the swamp has oxidized due to burning, drainage, cultivation and wind erosion such that swampland restoration, even if arguably desirable, is not feasible.

Diversions in the Delta impact fish to a lesser extent than the SWP and CVP pumping plants not only because they are grossly smaller in capacity but because they divert a much smaller percentage of the flow from the adjoining channels and in most cases divert from near the bottom of the channels rather than higher in the water column preferred by sensitive fish species.

The Delta's role in providing critical habitat for migratory waterfowl of the Pacific Flyway should not be overlooked.

Threats to the Delta Communities and Economy

Subsidence should not be generalized. There are specific locations where subsidence is a problem. Even on the islands in the western Delta with deepest peat soils there are areas where there is no remaining peat and no subsidence. In much of the Delta subsidence is not an issue.

Unreliable Storage and Conveyance

Providing salinity control for the Delta is a major purpose and obligation of both the SWP and CVP. Provision of salinity control and an adequate water supply for the Delta and other areas of origin is promised pre-condition to the export of water from the Delta.

Aging of levees is typically beneficial in that consolidation of compressible foundation soils increases with time and the further addition of soil to the levee section. Massive levee failures during wet periods should not cause detrimental salinity intrusion into the Delta and the difficulty in repair is greatly overstated.

Water supply reliability to the areas dependent upon exports from the Delta is greatly dependent upon the pumping facilities and hundreds of miles of canals and pipelines most of which are more vulnerable to earthquake and terrorist threats than Delta levees.

Reliability to urban areas in particular should be provided with the addition of desalting facilities for brackish and in some cases ocean water which could provide emergency supplies and supplement water reclamation during other periods.

As explained previously, the Sacramento and San Joaquin River Watersheds cannot and never were planned to supply the water needed by the SWP or the San Luis Unit addition to the CVP. Downstream and other storage can help better utilize wet period flows but due to the length of historic six year droughts the ability to carry over sufficient amounts of water to provide firm supplies in the 4th, 5th and 6th years is not possible.

Increasing Risks to People, Property and Infrastructure

Delta flood risks have in our view been overstated. There will be occasionally levee failures however, Delta levees have been increasingly improved during and since the 1980's. Numerous weak spots failed and were repaired and substantial efforts to mitigate the risk were initiated after the 1986 floods.

These comments are limited in scope and preliminary. The South Delta Water Agency joins in these comments.

Yours very truly,



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